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THE HIGH COURT OF ORISSA: CUTTACK

NOTIFICATION

The 9th July, 2024

No.1326/R.— Consequent upon enactment of three new laws, namely, “The Bharatiya Nagarik Suraksha Sanhita, 2023”, “The Bharatiya Nyaya Sanhita, 2023” and “The Bharatiya Sakshya Adhiniyam, 2023” and in exercise of the powers conferred under Article 225 of the Constitution of India, the High Court of Orissa hereby makes the following Rules further to amend the Rules of the High Court of Orissa, 1948, Volume-I (4th Edition, 1983) namely:-

1. (i) These Rules shall be called “The Rules of the High Court of Orissa, Vol-I (Amendment), 2024.”
(ii) They shall come into force from the date of their publication in the Official Gazette.
2. In the Rules of the High Court of Orissa, 1948 (hereinafter referred to as “the Rules”), in sub-rule(xi) of Rule-1, Chapter-III, the words and figure “Code of Criminal Procedure, 1973” shall be substituted by the words and figure “Bharatiya Nagarik Suraksha Sanhita, 2023”.
3. In the Rules, clauses (b), (c) and (d) of sub-rule (xi) of Rule-1, Chapter III, shall be substituted as follows:
 - “(b) an appeal under section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023 from an order of acquittal passed in respect of an offence punishable with death or imprisonment for life except an offence under section 316(5) of the Bharatiya Nyaya Sanhita, 2023;
 - (c) a case submitted under section 407 of the Bharatiya Nagarik Suraksha Sanhita, 2023; and
 - (d) a case in which a notice has been issued under section 418 or section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to show

cause why the sentence should not be enhanced relating to an offence punishable with death or imprisonment for life.”

4. In the Rules, in sub-rule(iii) of Rule-3, Chapter-VI, the words and figures “Section 382 or Section 383 of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 423 or Section 424 of the Bharatiya Nagarik Suraksha Sanhita, 2023”.

5. In the Rules, Rule-4 of Chapter-VI, shall be substituted as follows:

“**4.(i)** Petitions, affidavits, pleadings and documents shall be filed either electronically or through physical mode, subject to the provisions of e-Filing Rules for the High Court of Orissa, 2024.

(ii) Electronic filing (e-filing) of cases, pleadings and documents in the High Court of Orissa shall be done in accordance with “The High Court of Orissa e-filing Rules, 2024”.

(iii) In case of filing through physical mode, every petition and affidavit shall be titled “In the High Court of Orissa” and shall be:

(a) Neatly typed on superior quality A4 size paper (29.7 cm x21 cm) having not less than 75 GSM with printing on both sides of the paper with font-Times New Roman, font size-14, with one and half line spacing (for quotations and indents- font size in single line spacing)and margin of 5cm on left and right and 3 cm on top and bottom.

(b) couched in proper language; and

(c) signed and dated either by the petitioner or declarant or his advocate.

Provided that in case where the petition is filed from the judgment or order of a Subordinate Court as in the case of Civil Revision, Criminal Revision and Civil Review and where the facts are borne out by the records of the Court, an affidavit signed and dated by the Advocate’s Clerk may be accepted and the parties’ affidavit dispensed with.

(d) presented either by the petitioner or declarant or his recognized agent or his Advocate or some person appointed in writing in each case by such Advocate to present the same.”

6. In the Rules, after Rule-28 of Chapter-VI, the following shall be inserted;

“**29.** The pleadings and documents in the application, memorandum of appeal and cross objection shall be arranged in the following sequence:

(i) Coding Sheet

(ii) Index

- (iii) Synopsis
- (iv) List of dates and events
- (v) Application/Memorandum of appeal/Cross-objection
- (vi) Annexures, if any, filed along with the application/ memorandum of appeal/cross-objection, giving page numbers with proper pagination.
- (vii) List of documents in the Form prescribed in Appendix-XI.”

7. In the Rules, in sub-rule(a) of Rule-13, Chapter-XVII, the words and figure “Code of Criminal Procedure, 1973” shall be substituted by the words and figure “Bharatiya Nagarik Suraksha Sanhita, 2023”.

8. In the Rules, in Rule-20, Chapter-XVII, the words and figures “Section 421 of the Code of Criminal Procedure, 1973” shall be substituted by the words and figures “Section 461 of the Bharatiya Nagarik Suraksha Sanhita, 2023”.

9. In the Rules, in sub-rule (2) of Rule-5, Chapter-XVIII, the words and figures “u/s. 438 or 439 Cr.P.C. or u/s. 482 Cr.P.C.” shall be substituted by the words and figure “under section 482 or 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 or under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023”.

10. In the Rules, in sub-rule (1) of Rule-11, Chapter-XVIII, the words and figures “Section 407(1)(iv) of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 447(1)(iv) of the Bharatiya Nagarik Suraksha Sanhita, 2023”.

11. In the Rules, sub-rules (ii) and (iii) of Rule-13, Chapter-XVIII, shall be substituted as follows:

- “(ii) record of any statement under section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 and examination Under sections 351 and 316 of the Bharatiya Nagarik Suraksha Sanhita, 2023;
- “(iii) the proceeding, if any, in which cognizance was first taken under section 210 of the Bharatiya Nagarik Suraksha Sanhita, 2023;”

12. In the Rules, in Rule-16, Chapter-XVIII, the words and figure “Section 366 of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 407 of the Bharatiya Nagarik Suraksha Sanhita, 2023”

13. In the Rules, sub-rules (c), (e) and (f) of Rule-18, Chapter-XVIII, shall be substituted as follows:

- “(c) statement under section 183 of the Bharatiya Nagarik Suraksha Sanhita, if any;

(e) examination of the accused under section 351 and 316 of the Bharatiya Nagarik Suraksha Sanhita, 2023, if any;

(f) record of evidence in the Court of Session with any further examination under section 316 of the Bharatiya Nagarik Suraksha Sanhita, 2023;”

14. In the Rules, in Rule-24, Chapter-XVIII, the words and figures “Sections 382 and 377 of the Criminal Procedure Code, 1973” shall be substituted by the words and figures “Sections 423 and 418 of the Bharatiya Nagarik Suraksha Sanhita, 2023”.

15. In the Rules, in sub-rule(iii) of Rule-28, Chapter-XVIII, the words and figure “Section 313 of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023”.

16. In the Rules, in the Proviso appended to Rule-29 of Chapter-XVIII, the words and figure “Section 378 of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023”.

17. In the Rules, in Rule-33, Chapter-XVIII, the words and figures “Sections 377 and 378 of the Code of Criminal Procedure” shall be substituted by the words and figures “Sections 418 and 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023”.

18. In the Rules, Rule-34, Chapter-XVIII, shall be substituted as follows:

“34. Records called for by the High Court under section 438 or 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 or received on transfer in pursuance of an order passed by the High Court under section 443(1) of the same Sanhita shall be examined to see if they are in order. If there is any defect, the records shall be immediately sent back to the concerned lower Court for removal of defects.”

19. In the Rules, the paragraphs 2 & 3 appended to Rule-36, Chapter-XVIII, shall be substituted as follows:

“Provided that in every criminal revision preferred to the High Court under sub-section (1) of section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the following certificate shall be appended at the foot of the revision petition:

Certified that no application under sub-section (1) of Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has or had been made to the Sessions Judge against the impugned order.”

20. In the Rules, in Rule-37, Chapter-XVIII, the words and figure “Section 401 of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023.”.

- 21.** In the Rules, in sub-rule (1) of Rule-38, Chapter-XVIII, the words and figure “section 401 of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023.”.
- 22.** In the Rules, in sub-rule(i) of Rule-39, Chapter-XVIII, the words and figure “Section 407 of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023;”.
- 23.** In the Rules, in Rule-40, Chapter-XVIII, the words and figure “Section 395 of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 436 of the Bharatiya Nagarik Suraksha Sanhita, 2023”.
- 24.** In the Rules, in Rule-41, Chapter-XVIII, the words and figure “Section 395 of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 436 of the Bharatiya Nagarik Suraksha Sanhita, 2023”.
- 25.** In the Rules, in sub-rule(1) of Rule-43, Chapter-XVIII, the words and figures “Section 401(6) of the Code of Criminal Procedure” shall be substituted by the words and figures “Section 442(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023”.
- 26.** In the Rules, in Rule-46, Chapter-XVIII, the words and figures “Section 397 or 401 or 402 of the Code of Criminal Procedure, 1973” shall be substituted by the words and figures “Section 438 or 442 or 443 of the Bharatiya Nagarik Suraksha Sanhita, 2023”.
- 27.** In the Rules, in 2nd paragraph of Rule-35, Chapter-XXI, the words and figures “Section 76, Act I of 1872” shall be substituted by the words and figures “Section 75, Bharatiya Sakshya Adhiniyam, 2023”.
- 28.** In the Rules, the sub-rules (i) and (ii) of Rule-2, Chapter-XXV, shall be substituted as follows:
 - (i) Every disposed of case record of anticipatory bail application under section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 shall be destroyed after expiry of one year from the date of final order.
 - (ii) Every disposed of case record of bail application under section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 shall be destroyed after expiry of three years from the date of final order.”
- 29.** In the Rules, Clause-11 of the Instructions/Guidelines for filling up the coding sheets occurring after Appendix-XI shall be substituted as follows:

“11. The statute under which the major punishment is awarded shall be mentioned in the blank space provided for ‘Subject Matter/ Act’. If the case relates

to any of the ‘subject’ specifically mentioned in the list, the same shall be mentioned followed by the corresponding Code. For example, if the case relates to any of the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, the same shall be mentioned followed by the Code Number 092100 However, if the proceedings relate to any of the specific subjects mentioned in the list under the Bharatiya Nagarik Suraksha Sanhita, 2023, e.g. Petition under section 447 of Bharatiya Nagarik Suraksha Sanhita, 2023, the same shall be mentioned as Bharatiya Nagarik Suraksha Sanhita,2023-Section 447’. The Subject Category Code shall, in his case, be 091200.”

30. In the Rules of the High Court of Orissa, 1948, Vol-I, (4th Edition, 1983), a new Chapter namely Chapter XXIX shall be added after the existing Chapter XXVIII which shall be as follows:

“CHAPTER XXIX

Savings

1. The applications, appeals, cross-objections and proceedings pending immediately before 1st July, 2024 shall be governed by the existing provisions of these Rules prior to 1st July, 2024.”

By Order of the Court

PRAVAT KUMAR RAJGURU

REGISTRAR (JUDICIAL)